

CLOSED, STAY

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:07-cv-00705-JAH-CAB
Internal Use Only**

Payne et al v. Menu Foods, Inc. et al
Assigned to: Judge John A. Houston
Referred to: Magistrate Judge Cathy Ann
Bencivengo
Case in other court: Superior Court of California,
County of San Diego, 37-
02007-00064159-CU-

Date Filed: 04/18/2007
Date Terminated: 08/06/2007
Jury Demand: Both
Nature of Suit: 385 Prop. Damage
Prod. Liability
Jurisdiction: Diversity

Cause: 28:1441 Petition for Removal- Product
Liability

Plaintiff

Robert Payne

represented by **Eric Benink**

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8/6/07
I hereby attest and certify on 8/6/07
that the foregoing document is a true and correct
copy of the original on file in my office and in my legal
counsel's office.
Cathy Ann Bencivengo
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
San Diego, CA
Cathy Ann Bencivengo
Deputy

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Plaintiff

Steve Bartilucci

represented by **Eric Benink**
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LEAD ATTORNEY
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Katherine J Odenbreit
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Menu Foods, Inc.
a New Jersey corporation

represented by **Susan Moriarty Hack**
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Defendant

Petco Animal Supplies, Inc.
a Delaware corporation

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LEAD ATTORNEY
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Defendant

Safeway, Inc.
a Delaware corporation

Defendant

**The Proctor & Gamble
Company**
a Ohio corporation

represented by **Don Howarth**
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Defendant

DOES 1 through 50

Date Filed	#	Docket Text
04/18/2007	●1	NOTICE OF REMOVAL t/w Complaint and Jury Demand, from Superior Court of California, County of San Diego, case number 37-2007-00064159-CU-PL-CTL. (Filing fee \$ 350, receipt #137267), filed by Menu Foods, Inc.(jcj) (bar,). (Entered: 04/19/2007)
04/18/2007	●2	DEMAND for Trial by Jury by Menu Foods, Inc. (jpp,) (Entered: 04/19/2007)
04/18/2007	●3	NOTICE of Lodgment of State Court file, by Menu Foods, Inc. (jpp,) (Entered: 04/19/2007)
04/20/2007	●4	NOTICE by Menu Foods, Inc. of related case(s) 07-00706 (Attachments: # 1 Proof of Service)(Hack, Susan) Modified on 04/23/07 to reflect (Low number order prepared 04/23/07 by vet) (jpp). (Entered: 04/20/2007)
04/23/2007	●5	CERTIFICATE OF SERVICE by Menu Foods, Inc. re 4 Notice (Other) (Hack, Susan) (Entered: 04/23/2007)
04/23/2007	●6	NOTICE by Menu Foods, Inc. <i>TO STAY ALL PROCEEDINGS</i>

		(Hack, Susan) (Entered: 04/23/2007)
04/23/2007	●7	MOTION to Stay re 6 Notice (Other) by Menu Foods, Inc.. (Attachments: # 1 Exhibit Notice of Lodgment of Exhibits# 2 Proof of Service)(Hack, Susan) (Entered: 04/23/2007)
04/23/2007		(Court only) Set/Reset Deadlines as to 7 MOTION to Stay re 6 Notice. Responses due by 5/17/2007. Motion Hearing set for 5/31/2007 03:00 PM in Courtroom 11 before Judge John A. Houston. (jpp,) (Entered: 04/23/2007)
04/25/2007	●8	Joint MOTION for Extension of Time to File Answer <i>Or Other Responsive Pleading</i> by The Proctor & Gamble Company. (Howarth, Don) (Entered: 04/25/2007)
04/25/2007	●9	NOTICE of Joinder by The Proctor & Gamble Company <i>In Notice of Removal of Action</i> (Howarth, Don) (Entered: 04/25/2007)
04/26/2007	●10	Joint MOTION for Extension of Time to File Answer <i>or Responsive Pleading</i> by Petco Animal Supplies, Inc.. (Segal, Richard) (Entered: 04/26/2007)
04/27/2007	●11	ORDER Granting 10 Joint Motion for Extension of Time to File Responsive Pleading. Petco Animal Supplies, Inc. answer due 5/29/2007. Signed by Judge John A. Houston on 04/27/07. (jcj) (Entered: 04/27/2007)
04/27/2007	●12	ORDER Granting 8 Joint Motion for Extension of Time to File Answer <i>Or Other Responsive Pleading</i> . The Proctor & Gamble Company answer due 5/29/2007. Signed by Judge John A. Houston on 04/26/07. (jcj) (Entered: 04/27/2007)
04/27/2007	●13	STRIKEN PER ORDER 14. Joint MOTION for Extension of Time to File Response/Reply to <i>File Responsive Pleading and Proof of Service</i> by Menu Foods, Inc.. (Hack, Susan) (Entered: 04/27/2007)
04/27/2007	●14	Discrepancy Order by Judge John A. Houston rejecting document: Joint Motion for Extension of Time 13 from Defendant Menu Foods, Inc. filed by Susan Hack. Non-compliance with local rule ECF 2(h): Includes a proposed order or requires judge's signature. The document is rejected. It is ordered that the Clerk STRIKE the document from the record. Signed by Judge John A. Houston on 04/27/07. (jpp,) (Entered: 04/30/2007)

04/30/2007	●15	Joint MOTION for Extension of Time to File Response/Reply by Menu Foods, Inc.. (Hack, Susan) (Entered: 04/30/2007)
05/01/2007	●16	ORDER granting 15 Joint Motion for Extension of Time to File Responsive Pleading. Signed by Judge John A. Houston on 04/30/07. (jpp,) (Entered: 05/01/2007)
05/02/2007	●17	NOTICE of Appearance re MDL 1850 before the Judicial Panel (Attachments: # 1 Notice Motion re transfer of action# 2 Memo of Points and Authorities)(bar,) (Entered: 05/02/2007)
05/07/2007	●18	NOTICE before the Judicial Panel re MDL 1850 - Plaintiffs' notice of joinder and joinder in motion for transfer of actions to the Central District of CA and for consolidated or coordinated pretrial proceedings pursuant to 28USC1407 (bar,) (Entered: 05/08/2007)
05/07/2007	●19	Letter from atty Milberg Weiss re MDL 1850 (bar,) (Entered: 05/08/2007)
05/09/2007	●20	Corporate Disclosure Statement by The Proctor & Gamble Company. (Howarth, Don) (Entered: 05/09/2007)
05/14/2007	●21	NOTICE by Menu Foods, Inc. <i>DISCLOSURE STATEMENT OF NOTICE OF INTERESTED PARTIES</i> (Hack, Susan) (Entered: 05/14/2007)
05/14/2007	●22	NOTICE of Joinder by The Proctor & Gamble Company <i>To Defendant Menu Foods, Inc.'s Motion To Stay All Proceedings</i> (Howarth, Don) (Entered: 05/14/2007)
05/15/2007	●23	PRO HAC VICE APPOINTED: Edward B Ruff, III appearing for Defendant Menu Foods, Inc. (jpp,) (Entered: 05/15/2007)
05/15/2007	●24	PRO HAC VICE APPOINTED: Michael P Turiello appearing for Defendant Menu Foods, Inc. (jpp,) (Entered: 05/15/2007)
05/15/2007	●25	PRO HAC VICE APPOINTED: Priya Jesani appearing for Defendant Menu Foods, Inc. (jpp,) (Entered: 05/15/2007)
05/18/2007	●26	Joint MOTION for Extension of Time to File Response/Reply by The Proctor & Gamble Company. (Howarth, Don) (Entered: 05/18/2007)
05/21/2007	●27	ORDER granting 26 Joint Motion for Extension of Time to File Responsive Pleading. Defendant The Procter & Gamble Complanys First Responsive pleading is due on or before 06/11/07. Signed by Judge John A. Houston on 05/18/07.

		(jpp,) (Entered: 05/21/2007)
05/21/2007	●28	PRO HAC VICE APPOINTED: Brian D Wright appearing for Defendant The Proctor & Gamble Company. Signed by Judge John A. Houston on 05/17/07. (jpp,) (Entered: 05/21/2007)
05/23/2007	●29	PRO HAC VICE APPOINTED: D Jeffrey Ireland appearing for Defendant The Proctor & Gamble Company. Signed by Judge John A. Housto on 05/23/07. (jpp,) (Entered: 05/23/2007)
05/23/2007	●30	ORDER vacating hearing date of 05/31/07 for defendants motion to stay. Signed by Judge John A. Houston on 05/23/07. (jpp,) (Entered: 05/23/2007)
05/29/2007	●31	NOTICE by Petco Animal Supplies, Inc. <i>JOINDER IN MENU FOODS' MOTION TO STAY ALL PROCEEDINGS AND MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' COMPLAINT</i> (Rovens, Douglas) (Entered: 05/29/2007)
05/30/2007	●32	Third Party MOTION to Substitute Attorney <i>Rene L. Barge and Katherine J. Odenbreit</i> by Steve Bartilucci. (Odenbreit, Katherine) (Entered: 05/30/2007)
05/30/2007	●33	Third Party MOTION for Order <i>re: Substitution of Attorney</i> by Steve Bartilucci. (Odenbreit, Katherine) (jpp,). (Entered: 05/30/2007)
05/30/2007	●34	Third Party MOTION to Substitute Attorney <i>Rene L. Barge and Katherine J. Odenbreit</i> by Robert Payne. (Odenbreit, Katherine) (Entered: 05/30/2007)
05/30/2007	●35	Third Party MOTION for Order <i>re Substitution of Attorney</i> by Robert Payne. (Odenbreit, Katherine) (jpp,). (Entered: 05/30/2007)
06/01/2007	●36	OBJECTION by Robert Payne <i>to Def Menu Foods Motion to Stay Case</i> (Odenbreit, Katherine) (Entered: 06/01/2007)
06/01/2007	●37	DECLARATION re 36 Objection <i>to Menu Foods' Motion to Stay Case</i> by Plaintiff Robert Payne. (Odenbreit, Katherine) (Entered: 06/01/2007)
06/01/2007	●38	RESPONSE in Opposition re 7 MOTION to Stay re 6 Notice (Other) by <i>Menu Foods</i> filed by Robert Payne. (Odenbreit, Katherine) (Entered: 06/01/2007)

06/04/2007	●39	RESPONSE to Motion re 7 MOTION to Stay re 6 Notice (Other) filed by Menu Foods, Inc.. (Hack, Susan) (Entered: 06/04/2007)
06/05/2007	●40	ORDER granting Plaintiff Robert Payne's Motion to Substitute in as Attorney of record Rene L. Barge and Katherine J. Odenbreit of Class Action litigation group as his attorney of record. Signed by Judge John A. Houston on 06/05/07. (jpp,) (Entered: 06/06/2007)
06/05/2007	●41	ORDER granting Plaintiff Steven Bartilucci's motion to substitute in as Attorney of record Rene L. Barge and Katherine J. Odenbreit of Class Action litigation group as his attorney of record. Signed by Judge John A. Houston on 06/05/07. (jpp,) (Entered: 06/06/2007)
06/08/2007	●42	Joint MOTION for Extension of Time to File Answer <i>Or Other Responsive Pleading</i> by The Proctor & Gamble Company. (Howarth, Don) (Entered: 06/08/2007)
06/08/2007	●43	ORDER granting 6 Defendant Menu Foods Inc's Motion to Stay. Signed by Judge John A. Houston on 06/08/07. (jpp,) (Entered: 06/08/2007)
06/11/2007	●44	Joint MOTION for Extension of Time to File Response/Reply by Menu Foods, Inc.. (Hack, Susan) (Entered: 06/11/2007)
06/11/2007	●45	ORDER denying 42 Joint Motion for Extension of Time to file responsive pleading without prejudice as moot. Signed by Judge John A. Houston on 06/08/07. (jpp,) (Entered: 06/11/2007)
06/22/2007	●46	ORDER denying 44 Joint Motion for Extension of time to file responsive pleading without prejudice as moot. Signed by Judge John A. Houston on 06/22/07. (jpp) (Entered: 06/22/2007)
07/02/2007	●47	NOTICE by Menu Foods, Inc. re 6 Notice (Other) <i>OF MULTIDISTRICT CONSOLIDATION PURSUANT TO 28 USC 1407 AND REQUEST TO MAINTAIN STAY</i> (Hack, Susan) (Entered: 07/02/2007)
08/06/2007	●48	Case transferred to District of New Jersey pursuant to MDL 1850.(bar) (Entered: 08/06/2007)